IN THE COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 63 OF 2007

Vijay Balwant Patil ....Applicant

vs.

The State of Maharashtra ...Respondents

Mr.Nitin Pradhan with Ms.Shubhada Khot for the applicant.

Mr.U.V.Nikam, A.P.P. for state.

CORAM: S.C. DHARMADHIKARI, J.

17th January, 2007.

P.C :-

1. Mr.Pradhan, has invited my attention to the earlier order passed in Criminal Application No.

4495 of 2006 dated 20.12.2006. He submits that, after the order was passed on 20.12.2006, the applicant has arranged and paid a total amount of Rs.1,32,26,807/- till date. In his submission, the total liability there is still an amount of Rs.1 crore and 21 lacs due and payable. Learned A.P.P. states that this does not take into consideration the interest component and if the same is taken into account (20% p.a.) then, the liability still remains to the tune of Rs.2 crore 36 lacs.

2. Mr.Pradhan submits, that considering that the applicant has shown his bonafides and has not misused his liberty, time to surrender be extended suitably. If the same is extended, the applicant would arrange and pay further sums. Considering the amount outstanding, Mr.Pradhan prays for a year's time to pay the amount. Learned A.P.P. opposes the request.

3. In my view, it would not be proper to accede to the request of Mr.Pradhan and grant year's time to pay the amount as these are not proceedings where the liability could be determined and instalments fixed.

However, since the applicant has paid a sum of nearly 1 crore and odd, which is undisputed, it is directed that the time to surrender is extended till 31.3.2007. It is for the applicant to arrange and make payment of further sums within this period, failing which he will have to face the consequences as per law. In case the applicant pays any further sum, he is always at liberty to apply.

4. Mr.Pradhan states, that the applicant would endeavour to pay within this extended period a sum of Rs.10 lacs per month. The statement is accepted. Application disposed off and time to surrender stands extended as above i.e. till 31st March, 2007. In addition, all other conditions imposed in the order dated 20.12.2006 shall bind the applicant.

. All concerned to act on authenticated copy of this order.

SD/-

(S.C.DHARMADHIKARI, J)